

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

DARRELL L. ANDERSON,

Petitioner,

vs.

JOHN AULT,

Respondent.

No. C06-2056-LRR

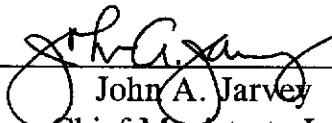
PRE-INITIAL REVIEW ORDER

This matter is before the court following transfer from the United States District Court for the Southern District of Iowa. Such transfer occurred on June 26, 2006. The Clerk of Court filed the case in this district on August 3, 2006. Prior to the case being transferred or on May 30, 2006, the petitioner submitted an application for a writ of habeas corpus and an application for appointment of counsel. The petitioner did not pay the statutory filing fee, *see* 28 U.S.C. § 1914(a) (requiring \$5.00), or submit an application to proceed in forma pauperis, *see* 28 U.S.C. § 1915 (explaining in forma pauperis proceedings). Accordingly, it is appropriate to dismiss this action. Nonetheless, given the applicable statute of limitation, the court deems it prudent to require the petitioner to submit either the statutory filing fee or an application to proceed in forma pauperis by no later than September 5, 2006. If the petitioner fails to comply with this order, the court will direct the Clerk of Court to dismiss the application for a writ of habeas corpus for failure to respond to an order of the court. *See* Fed. R. Civ. P. 41(b); *Edgington v. Missouri Dep't of Corrections*, 52 F.3d 777, 779-80 (8th Cir. 1995); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986). The court reserves ruling on the merits of the

petitioner's application for a writ of habeas corpus and the application for appointment of counsel.

**IT IS SO ORDERED.**

**DATED** this 22<sup>nd</sup> day of August, 2006.

  
John A. Harvey  
Chief Magistrate Judge  
UNITED STATES DISTRICT COURT